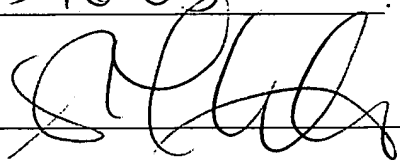


CERTIFICATE OF MAILING

I hereby certify that the below listed items are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

**Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

on 3-16-05

Signature - _____

In Re Application of:

Mueller et al.

Serial No.: 10/743,896

Filed: December 22, 2003

Confirmation No.: 1987

Group Art Unit: 2882

Examiner: Ho, Allen C.

Docket No.: 191314-1011

For: **Portable X-Ray Diffractometer**

The following is a list of documents enclosed:

Return Postcard
Issue Fee Transmittal
Comments On Statement Of Reasons For Allowance
Credit Card Authorization - Authorizing \$1700.00

Further, the Commissioner is authorized to charge Deposit Account No. 20-0778 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 20-0778.



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Mueller et al.

Serial No.: 10/743,896

Filed: **December 22, 2003**

Confirmation No.: **1987**

Group Art Unit: **2882**

Examiner: **Ho, Allen C.**

Docket No.: **191314-1011**

For: **Portable X-Ray Diffractometer**

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Examiner has made statements in the Statement of Reasons for Allowance that may be viewed as an oversimplification of the examination issues, and if taken out of context, could give rise to an improper interpretation of the claims as well as the file history. For these reasons, Applicants provide the following comments to ensure proper interpretation of the claims and history.

While Applicants agree with the Examiner that the stated reasons for allowance of the claims are indeed valid grounds for allowance, Applicants wish to clarify for the record that the stated reasons may be viewed as an oversimplification of the issues. Along these lines, first, Applicants do *not* admit that the stated reasons for allowance are the only reasons for allowance, and Applicants contend that the allowance and scope of these claims are in fact *not* limited to the Examiner's stated reasons for allowance. Second, each allowed claim has a different combination of elements, which distinguish each claim from the prior art of record, and consequently, each claim should be analyzed separately for infringement and validity. 35 U.S.C.

288. In other words, all of the claims do not stand or fall together, especially and particularly based upon the stated reasons for allowance.

If the Examiner disagrees with any of Applicants' comments herein, Applicants respectfully request that the Examiner further clarify the record. Otherwise, it should be assumed that the above discussion is an accurate characterization of the file history and interpretation of the claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. R. Kuester', written over a horizontal line.

Jeffrey R. Kuester, Reg. No. 34,367
Attorney for Applicant

Date: 3-16-05

Docket: 191314-1011

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